IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WA.No. 1317 of 2007()

AGAINST THE JUDGEMENT IN WPC.453/2007 Dated 04/01/2007
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APPELLANT: PETITIONER IN OP:

GEORGE M.X., S/O. XAVIER,
MANKUZHIYIL HOUSE, MEPPADI P.O., WAYANAD.

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS:
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1. THE COMMANDING OFFICER,
AIR DEFENCE WING (ARTILLERY RECORDS),
ARTILLERY CENTER, NASIK ROAD CAMP.

2. DIRECTOR GENERAL,
AIR DEFENCE OF ARTILLERY (ADA PERS),
GENERAL STAFF BRANCH, ARMY HEAD QUARTERS,
DH Q. P.O., NEW DELHI-110 011.

3. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF HOME AFFAIRS, NEW DELHI.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No.1317 of 2006
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Dated this the 7th day of June, 2007.

JUDGMENT

Radhakrishnan,J.

Writ Petition was preferred by the appellant seeking a writ of certiorari to quash Exts.P2 to P4 and Ext.P8 and for a direction to the first respondent to reinstate the petitioner in service and for other consequential reliefs. Ext.P2 is the charge sheet issued in March, 1985. Ext.P3 is a communication sent to the petitioner on 2nd March, 1985. Ext.P4 is the summary of evidence furnished to the petitioner on 27th February, 1985. Petitioner has not challenged those orders before proper authorities. Ext.P6 is a representation dated 26.7.2004 filed before the first respondent by the petitioner. Ext.P7 is yet another application dated 3.2.2005 made by the petitioner addressed to the Hon'ble President of India. Ext.P7 was considered and Ext.P8 reply was given on 12th March, 2005 stating that the petitioner has been dismissed from service and has forfeited his all service benefits and not eligible for the status of an Ex-service man. Petitioner was

dismissed from service with effect from 6th March, 1985 Petitioner submitted that the dismissal is bad in law. We find that this Court has examined the correctness or otherwise of the various orders, which were passed as early as in 1985, and there is no explanation from the petitioner for his silence for a period of about 20 years. In the circumstances, we find no reason to interfere with the judgment of the learned single Judge.

Writ Appeal is dismissed.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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